

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: GENETRONICS, INC.

Int'l. Appln. No. 10/516,757

PCT No.; PCT/US03/09031

Int'l. Filing Date: 23 March 2003 (23.03.2003)

Priority Date: 25 March 2002 (25.03.2002)

Attorney Docket No.: GTI-1490-US

Title: MINIMIZING METAL TOXICITY DURING ELECTROPORATION
ENHANCED DELIVERY OF POLYNUCLEOTIDES

RESPONSE TO DECISION UNDER 37 CFR 1.137(B)
TO DISMISS WITHOUT PREJUDICE

Mail Stop: PCT
Attention: Cynthia M. Kratz, Attorney Advisor
Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Kratz:

In response to the Decision to Dismiss Petition Without Prejudice mailed on December 17, 2007, enclosed please find the additional \$40.00 fee amount which was unintentionally not included in the payment of the Petition filed on October 5, 2007.

Enclosed are copies of Petition and supporting documents as filed on October 5, 2007 along with this response and Form PTO-2038 for payment of the \$40.00 not included in the October 5, 2007 filing.

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.10:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" and is addressed to: Mail Stop: MISSING PARTS, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EXPRESS MAIL TRANSMITTAL NO. **EB 014308180 US**

DANIEL M. CHAMBERS
Name

January 23, 2008
Date

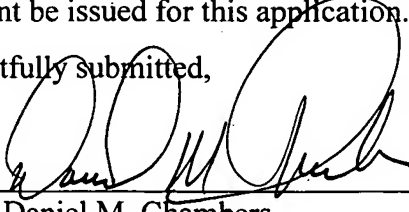

Signature

Based on the enclosed documents and payment of \$40.00, Applicants respectfully request a Decision to Withdraw Abandonment be issued for this application.

Respectfully submitted,

Date: January 23, 2008
BioTechnology Law Group
c/o PortfolioIP
P.O. Box 52050
Minneapolis, MN 55402
Telephone: (858) 350-9690
Facsimile: (858) 350-9691
dan@biotechnologylawgroup.com

By: _____


Daniel M. Chambers
Attorney for Applicants
USPTO Reg. No.: 34,561



UNITED STATES PATENT AND TRADEMARK OFFICE



07 DEC 2007

ITW
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Daniel M Chambers
Biotechnology Law Group
658 Marsolan Avenue
Solana Beach CA 92075

In re Application of
RUBASSAY
Application No.: 10/516,757
PCT No.: PCT/US03/09031
Int. Filing Date: 25 March 2003
Priority Date: 25 March 2002
Attorney Docket No.: GTI-1490-USN
For: MINIMIZING METAL TOXICITY
DURING ELECTROPORATION ENHANCED
DELIVERY OF POLYNUCLEOTIDES

DECISION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

A review of the above referenced application shows that on 26 August 2005, a decision was mailed to applicant granting his petition to revive under 37 CFR 1.137(b) filed 04 December 2004 in the above-captioned application.

However, on 27 September 2005, a decision vacating the decision mailed on 26 August 2005 was mailed indicating that applicant had failed to pay the appropriate basic national fee.

On 20 August 2007, a Notification of Abandonment was mailed to applicant.

On 05 October 2007, a petition to revive under 27 CFR 1.137(b) was filed.

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

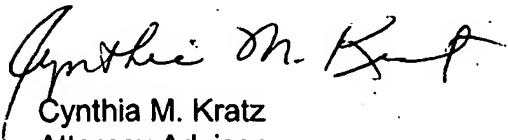
A review of the application file reveals that the basic national fee of \$310 was paid. However, applicant only paid a petition fee of \$1500. The correct fee for a petition to revive an unintentionally abandoned application on 05 October 2007 was

10/516,757

\$1540. Applicant did not provide a deposit account authorization for the shortfall. Thus, the requirements of 37 CFR 1.137(b) have not been satisfied. The request to revive the application abandoned under 35 U.S.C. 371(d) is dismissed as to the National stage in the United States of America.

Applicant's petition to revive international application no. PCT/US03/09031 under 37 CFR 1.137(b) is **DISMISSED WITHOUT PREJUDICE**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER GTI-1490-US
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/516,757
INTERNATIONAL APPLICATION NO. PCT/US2003/09031	INTERNATIONAL FILING DATE 25 March 2003	PRIORITY DATE CLAIMED 25 March 2002
TITLE OF INVENTION MINIMIZING METAL TOXICITY DURING ELECTROPORATION ENHANCED DELIVERY OF POLYNUCLEOTIDES		
APPLICANT(S) FOR DO/EO/US Dietmar Rabussay		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/516,757		PCT/US2003/09031		GT1-1490-US	
20. Other items or information: Transmittal; Petition to Revive; Stmt to W/D Abandonment; PCT/DO/EO/909(371); Decision; IDS No. 2; SBO8A; References (22 items); WO 03/083837A2; Int'l Search Rpt; PCT/IB/308;Decl; Assignment; IDS No. 1; Change of Correspondence Address;					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 310.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations.....\$200				\$ 210.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations.....\$500				\$ 410.00	
TOTAL OF 21, 22 and 23 =				930.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
23 - 100 =	0 /50 =		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	7 - 20 =		x \$ 50	\$ 0.00	
Independent claims	2 - 3 =		x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 930.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2					
SUBTOTAL =				\$ 930.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 930.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 930.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 2430.00 to cover the above fees is enclosed. PETITION TO REVIVE FEES INCLUDED
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

c/o PortfolioIP
P.O. Box 52050
Minneapolis, MN 55402
Telephone: 858-350-9690
Facsimile: 858-350-9691
Email: dan@biotechnologylawgroup.com


SIGNATURE

Daniel M. Chambers

NAME

34,561

REGISTRATION NUMBER

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
GTI-1490-US

First Named Inventor: Dietmar P. Rabussay

International (PCT) Application No.: PCT/US2003/009031

U.S. Application No.: 10/516,757
(if known)

Filed: December 04, 2004

Title: Minimizing Metal Toxicity During Electroporation Enhanced Delivery of Polynucleotides

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ 00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500 (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of 1. Application
attached documents _____ (identify type of reply): 2. Declaration
3. Assignment

☐ has been filed previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

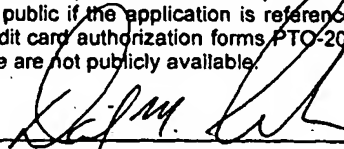
3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

	5 Oct 2007
Signature	Date
Daniel M. Chambers	34,561
Typed or Printed Name	Registration Number, if applicable
527 N. Highway 101, Suite E	858 350 9690
Address	Telephone Number
Solana Beach, CA 92075-1173	

- | | | | |
|-------------|--|---------|---|
| Enclosures: | <input checked="" type="checkbox"/> Response | Address | Enclosed for Filing: |
| | <input checked="" type="checkbox"/> Fee Payment | | 1. Transmittal; |
| | <input type="checkbox"/> Terminal Disclaimer | | 2. Petition for Revival of an Int'l Application; |
| | <input checked="" type="checkbox"/> Other (please identify): | | 3. Statement to Withdraw Abandonment; Notice of Abandonment; &
and Notice of Withdrawal of Abandonment attached thereto; |
| | | | 4. Information Disclosure Statement No. 2 |
| | | | 5. SBO8A; |
| | | | 6. References (22 items); |
| | | | Courtesy Copies of: |
| | | | 7. WO 03/083837A2 Published on 9 Oct. 2003
(PCT/US03/09031 filed 25 March 2003); |
| | | | 8. International Search Report (WO 03/083837 A3); |
| | | | 9. Form PCT/IB/308; |
| | | | 10. Declaration; |
| | | | 11. Recorded Assignment; |
| | | | 12. Information Disclosure No. 1 filed December 22, 2006; |
| | | | 13. Change of Correspondence address filed March 5, 2007; |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Rabussay, Dietmar

Serial No.: 10/516,757

I.A. Filing Date: March 25, 2003

For: INTRADERMAL DELIVERY OF ACTIVE
AGENTS BY NEEDLE- FREE INJECTION
AND ELECTROPORATION

Examiner: TBD

Art Unit: 3763

Docket No.: GTI-1490-US

**STATEMENT WITH PETITION TO WITHDRAW ABANDONMENT
(37 CFR §1.181(b))**

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits this request to withdraw abandonment under 37 CFR 1.181(b) for the following reasons and enclosed here with are exhibits in support thereof:

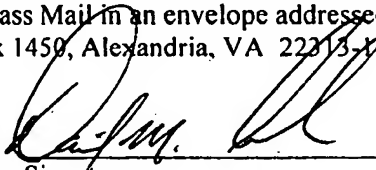
1. Due to a change in fees the proper fee amount was unintentionally filed and the 26 August 2005 U.S. Patent Office decision to revive was vacated and dismissed without prejudice. Please see courtesy copy of the Notice of Abandonment attached hereto.
2. Enclosed herewith are the current **total** fees due and with our new submission of a petition to revive.

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: MISSING PARTS, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

DANIEL M. CHAMBERS
Name

5 October 2007
Date

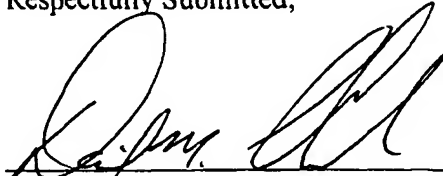

Signature

Applicants respectfully request that the Notice of Abandonment be withdrawn and a Notice Withdrawing the Abandonment be forwarded to the Applicant's attorney.

Applicant further believes that the enclosed fees are due in connection with the Petition and should serve as payment of all fees in full. Should there be a fee due, please immediately contact the undersigned attorney at (858) 350-9690.

Respectfully Submitted,

By:



Daniel M. Chambers (Reg. No. 34,561)
Attorney for Applicant

DATED: October 5, 2007
BioTechnology Law Group
c/o PortfolioIP
P.O. Box 52050
Minneapolis, MN 55402
Telephone: (858) 350-9690
Facsimile: (858) 350-9691
Email: dan@biotechnologylawgroup.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,757	Dietmar Rabussay	GTI-1490-USN

35938
 BIOTECHNOLOGY LAW GROUP
 C/O PORTFOLIOIP
 PO BOX 52050
 MINNEAPOLIS, MN 55402

INTERNATIONAL APPLICATION NO.	
PCT/US03/09031	
I.A. FILING DATE	PRIORITY DATE
03/25/2003	03/25/2002

CONFIRMATION NO. 6894

371
 ABANDONMENT/TERMINATION
 LETTER



OC00000024117053

Date Mailed: 08/20/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

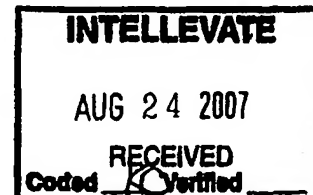
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)





27 SEP 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Daniel M Chambers
Biotechnology Law Group
658 Marsolan Avenue
Solana Beach CA 92075

In re Application of
RUBASSAY
Application No.: 10/516,757
PCT No.: PCT/US03/09031
Int. Filing Date: 25 March 2003
Priority Date: 25 March 2002
Attorney Docket No.: GTI-1490-USN
For: MINIMIZING METAL TOXICITY
DURING ELECTROPORATION ENHANCED
DELIVERY OF POLYNUCLEOTIDES

DECISION
ON PETITION UNDER
37 CFR 1.137(b)

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

On 26 August 2005, a decision was mailed to applicant granting his petition to revive under 37 CFR 1.137(b) filed 04 December 2004 in the above-captioned application. For the reasons set forth below, the decision mailed on 26 August 2005 is hereby **VACATED**. The petition to revive under 27 CFR 1.137(b) filed on 04 December 2004 is **DISMISSED WITHOUT PREJUDICE**. The application remains **ABANDONED**.

Upon closer review of the application file and USPTO finance records, it noted that applicant did not pay the full basic national fee due upon the filing of a petition to revive. Applicant paid \$100, the basic national fee for an application where the international preliminary examination revealed that all claims satisfied provisions of PCT Article 33(1)-(4). However, in the instant case, there was no international preliminary examination report, satisfying the provisions of the Article. For the instant application, the application fee required upon entering the national stage was \$790, the basic national fee required where the U.S. acted in its capacity as International Searching Authority. Applicant did not provide a deposit account number or authorization to charge any additional fees to the deposit account.

Since applicant failed to pay the full basic national fee required with the petition to revive, the proper reply was not submitted. Thus, the petition to revive must be dismissed without prejudice and the application remains abandoned.

Applicant is advised to file a renewed petition to revive along with the appropriate basic national fee. Applicant is reminded that on 08 December 2004, the basic national fee under 37 CFR 1.492(a) was changed to \$300.

26 AUG 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Daniel M Chambers
Biotechnology Law Group
658 Marsolan Avenue
Solana Beach CA 92075

In re Application of
RUBASSAY
Application No.: 10/516,757
PCT No.: PCT/US03/09031
Int. Filing Date: 25 March 2003
Priority Date: 25 March 2002
Attorney Docket No.: GTI-1490-USN
For: MINIMIZING METAL TOXICITY
DURING ELECTROPORATION ENHANCED
DELIVERY OF POLYNUCLEOTIDES

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 04 December 2004 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the required petition fee of \$1370 was paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The declaration in compliance with 37 CFR 1.497(a) and (b) has been provided and is acceptable.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 04 December 2004.


Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459